

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on January 23, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Committee staff present:

Martha Dorsey, Legislative Research Department

Matt Spurgin, Legislative Research Department

Mike Heim, Revisor of Statutes Office

Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Rep. Tom Sloan

Carol Williams

Tom Whitaker

Sue gamble

Sen. Kelly

Others attending:

See attached list.

Bill Requests

Rep. Mah requested a committee bill concerning campaign finance.

Mike Pepoon, Sedgwick County, requested a committee bill concerning annexation.

Rep. Huntington requested a committee bill concerning campaign finance.

The Committee approved the requests.

HB 2051 Governmental ethics; officers and employees; when meals may be accepted

Chairman Burgess opened the hearing on **HB 2051**.

Rep. Tom Sloan testified in support of the bill (Attachment 1).

Carol Williams, Governmental Ethics Commission, testified in support of the bill (Attachment 2).

Tom Whitaker, Kansas Society of Association Executives, testified in support of the bill (Attachment 3).

Sue Gamble, State Board of Education, testified in support of the bill (Attachment 4).

Sen. Kelly testified in support of the bill. No written testimony was provided.

Chairman Burgess closed the hearing on **HB 2051**.

HB 2080 Governmental ethics; acceptance of meals, when

Chairman Burgess opened the hearing on **HB 2080**.

Carl Hill, Kansas Association of Public Employees, testified in support of the bill (Attachment 5).

Chairman Burgess closed the hearing on **HB 2080**.

CONTINUATION SHEET

MINUTES OF THE House Elections and Governmental Organization Committee at 3:30 P.M. on January 23, 2007 in Room 231-N of the Capitol.

HB 2021 Townships, transfer of certain moneys

Rep. Sawyer made a motion to adopt a balloon amendment (Attachment 6) concerning gift money and transferred money. Rep. Vickrey seconded the motion. The motion carried. Rep. Lane made a motion for the favorable passage of HB 2021 as amended. Rep. Sawyer seconded the motion. The motion carried.

Rep. Horst made a motion for the favorable approval of the January 10, 2007 minutes. Rep. Vickrey seconded the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for Wednesday, January 24, 2007.

**House Elections and
Governmental Organization Committee**

Date 1-23-2007

Name	Representing
Tom Whitaker	Ks Motor Carriers Assn
Donna Votz	Govt Ethics Commis
Carol Williams	u u u
BRANDON BOHNING	—
Matt Bryant	-
C/Colorado	KDA
Brad Bryant	Sec. of state
Bud Burke	
LAURA KELLY	SENATE

STATE OF KANSAS

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MEMBER: UTILITIES
ENVIRONMENT
AGRICULTURAL & NATURAL
RESOURCES BUDGET

KANSAS WATER AUTHORITY

Testimony on HB 2051 - State Employees and Conference Meals

Mr. Chairman, Members of the Committee, I appreciate the opportunity to discuss with you an issue that does not have the importance of school finance or even campaign finance, but which in my mind is a fairness issue and that speaks to the way we as legislators and the public perceive state employees. The bill authorizes state employees and the Governor's spouse to accept meals at an event that serves legitimate state purpose or interest and the state employee is authorized by his/her agency to participate in the meeting.

For the past five years, I have organized seven policy "Summits" at which the Chairpersons of the Federal Energy Regulatory Commission, Federal Communications Commission, National Institutes of Health, and Food and Drug Administration have headlined. Appropriate Kansas private sector stakeholders, legislators, and state agency personnel have participated. The goal in each case has been to increase dialogues and problem solving endeavors between state and federal policy-makers and with state stakeholders. Based on the results, the Summits have been successful.

For each event, I have raised the necessary funds to lease the Robert J. Dole Institute, provide meals for all participants, and pay for technical assistance. Each time, state employees (e.g., from the KCC, KDHE) have written personal checks to pay for their meals and refreshment breaks. While no state employee has complained or asked me to change the law, I was embarrassed for them and for the state of Kansas.

The Secretaries and staff of state agencies participating in these events are invited because they have expertise that the federal policy-makers need, to facilitate subsequent discussions with private sector stakeholders, and to benefit the people of Kansas. They are not walking in off the street looking for a "free lunch," nor are they being "influenced" by special interest groups to the detriment of the people of this state. Instead, they are being held to a standard not expected of elected officials, university administrators and faculty, or private sector leaders. And, they are publicly embarrassed by having to write checks or pay cash for meals that are included as part of the official program. As you know from personal experiences, the informal discussions during the breaks and meals are often among the most productive in terms of establishing personal relationships and clarifying positions.

Generally these state employees are not reimbursed by their agencies for meals that otherwise are available to conference participants. Even if that were not the case, I believe that state employees participating in meetings at which meals are provided to all other persons should be able to legally eat without having to pay. I hope that you agree that our state employees and the citizens of Kansas benefit by the employees attending meetings and that they should be able to participate in the same manner as all other conference attendees. I ask for your support of HB 2051.

House Elections & Gov. Org.
Date: 1-23-2007
Attachment # 1

**GOVERNMENTAL ETHICS COMMISSION**www.accesskansas.org/ethics**Testimony before House Committee on Elections and Governmental Organization
in Support of House Bill 2051****by Carol Williams, Executive Director
January 23, 2007**

The Commission stands in support of House Bill 2051. The Commission has recommended the language found in House Bill 2051 in both its 2005 and 2006 Annual Report and Recommendations.

House Bill 2051 would permit state officers and employees in the Executive Branch of state government to accept a free or discounted meal from a source outside state government when the meal is provided to the employee when the employee's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency authorizes the employee's attendance at such event or meeting. Under current law, a state officer or employee is prohibited from accepting a meal from a source outside state government with a few exceptions.

K.S.A. 46-237a was enacted into law in 1997. The Commission had no input into the drafting of K.S.A. 46-237a. This statute details prohibitions in the acceptance of gifts, meals, travel and recreation for officers and employees in the Executive Branch of State government. Since this provision became law, the vast majority of questions we receive, and concerns expressed by state officers and employees, are in the meals section of this statute. The Commission has heard from most, if not all, Executive Branch agencies that the meal prohibition not only causes confusion, but it places a financial burden on Executive Branch employees.

House Elections & Gov. Org.
Date: 1-23-2007
Attachment # 2

**Kansas Society of Association Executives
4301 SW Huntoon, Suite 9
Topeka, Kansas 66604
785-272-0083
Chip Wheelen, President
Corey D. Peterson, President-Elect
Melissa Hungerford, Secretary-Treasurer**

Legislative Testimony

Presented by

KANSAS SOCIETY OF ASSOCIATION EXECUTIVES

Before the

**House Elections and Governmental Organization Committee
Representative Mike Burgess, Chairman**

In Support Of House Bill No. 2051

**MR. CHAIRMAN AND MEMBERS OF THE HOUSE ELECTIONS
AND GOVERNMENTAL ORGANIZATION COMMITTEE:**

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association and the immediate past president of the Kansas Society of Association Executives. I currently serve as voluntary chairman of the KSAE Governmental Relations Committee. I appear here this afternoon representing KSAE's 181 professional members, 92 associate members and 52 legislative agent members in support of House Bill No. 2051.

The bill allows those whom serve in the executive branch of government to accept meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest, and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting.

Current law prohibits a state employee from accepting a meal at an association event unless the state employee is speaking at the event or pays for the meal that is associated with such event. This is extremely awkward, particularly when the cost of the meal is difficult to ascertain.

Your favorable consideration of HB 2051 will relieve the Kansas Governmental Ethics Commission from being the food monitor for the state and encourage state employees to participate in events that will improve communications between state government, and the trades and industries governed by the state.

I thank you for the opportunity to appear before you this afternoon, and would be pleased to respond to any questions you may have.

House Elections & Gov. Org.
Date: 1-23-2007
Attachment # 3



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January 23, 2007

TO: House Committee on Elections and Governmental Organization
FROM: State Board of Education
SUBJECT: House Bill 2051

My name is Sue Gamble, Legislative Liaison of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

The State Board of Education supports House Bill 2051. This bill, if enacted, would allow state employees or officers of the Executive branch to accept meals provided by a source outside of state government when attending an event or meeting that serves a legitimate state purpose and the employing agency authorizes the person's attendance.

Passage of this bill is extremely important to the State Department of Education. Currently, the state ethics law allows an employee of the Executive branch to accept travel, lodging and related expenses to attend a meeting or conference when the employing agency would be willing to pay for such expenses. However, the law prohibits these state employees from accepting meals.

State Department of Education employees are frequently required to work at schools during the entire day. However, they cannot accept a "school lunch" without violating the law. Staff also regularly attend out-of-state meetings sponsored by the U.S. Department of Education. While it is permissible for the U.S. Department of Education to pay for the employee's airfare and lodging which may amount to several hundreds of dollars per trip, it is generally not permissible for our employees to participate at working luncheons or other events where meals are served. If our employees choose to accept a meal, they are required to pay the U.S. Department of Education for the cost of the meal. As many of you know from experience, meals served at conference hotels in large cities are not cheap. In these instances, our employees are limited to receiving the state per diem rates which means they must pay the difference out-of-pocket. It is not uncommon for one of our employees to pay \$60 or \$70 out-of-pocket when attending one of these meetings.

Last year, two State Department of Education employees attended the Milken Family Foundation Conference which honors exemplary teachers and principals across the country with a \$25,000 cash award. The Foundation offers to pay for all expenses, but, again, our employees cannot accept free meals from a source outside state government. As a result, they each had to pay over \$300 in personal funds to participate at luncheons and the Awards Banquet.

House Elections & Gov. Org.
Date: 1-23-2007
Attachment # 4

House Committee on Elections and Governmental Organization
Page 2
January 23, 2007

Requiring a state employee to pay any portion of the cost of a meal served at a function that benefits the state not only penalizes the employee but is also awkward and embarrassing. It can lower employee morale, as well.

We strongly support passage of House Bill 2051.

T E S T I M O N Y

By

The Kansas Association of Public Employees
Supporting House Bills 2080 and 2051

Before the House Committee on Elections and Governmental Organization
The Honorable Mike Burgess, chairman
Wednesday, January 10, 2007 -- Statehouse, Topeka, Kansas

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Carl Hill, chief of staff of the Kansas Association of Public Employees. On behalf of our President, Brian R. Thompson, who appears here with me, we appreciate the opportunity to speak in support of House Bills 2080 and 2051. KAPE represents more than 20,000 public employees and retirees across Kansas.

When KAPE asked the committee to draft an amendment to the ethics statute, we explained that it was not possible for organizations such as ours to offer to state employees a hot dog as a "thank you" token during observances such as Public Employee Appreciation Week. The proposed amendment to the statute found in House Bill 2080, page 2, line 10, addresses KAPE's dilemma. We would also add that the \$25 or less cap is very manageable.

With regard to the amendments offered in House Bill 2051 by Representative Sloan, KAPE believes there is justification for these amendments and that it makes sense to allow the governor's spouse a complimentary meal when his or her presence is related to official functions of the Governor.

The amendment found on page 2, lines 11-14, brings up an interesting point that KAPE has felt is unjustifiable since it came to the media's attention that some workers representing the State Board of Education ran afoul of the ethics law because they accepted a meal at a hotel as part of a familiarization visit prior to an agency meeting. They were told by their superiors to visit the hotel and determine whether or not its facilities, which typically include hospitality, were suitable for the conference. If this amendment attempts to address this inequity, then KAPE certainly endorses it as a common sense approach to what is a typical practice when selecting meeting sites.

KAPE believes these two bills address needed changes to the ethics law. We appreciate the opportunity to express our views on them and to encourage your support.

May I invite your questions?

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House Elections & Gov. Org.
Date: 1-23-2007
Attachment # 5

HOUSE BILL No. 2021

By Representative Beamer

1-9

Submitted by
Rep. Beamer
1/23/07

House Elections & Gov. Org.
Date: 1-23-2007
Attachment # 6

9 AN ACT concerning townships; authorizing townships to transfer certain
10 moneys.

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) Any township may transfer any moneys or property, or
13 the proceeds from the sale of property which the township receives by
14 donation, contribution, gift, device or bequest to a Kansas not-for-profit
15 corporation which meets each of the following requirements:

all or any portion of

16 (1) ~~The corporation~~ is exempt from federal income taxation under
17 the provisions of section 501(c)(3) of the internal revenue code of 1986,
18 and amendments thereto; ~~and~~

any of the following: (1)

19 (2) ~~the corporation has been organized to provide health care serv-~~
20 ~~ices, mental health care services or to operate a museum.~~

or

any political or taxing subdivision located within
the same county as the township.

21 (b) The transfer of moneys as provided in subsection (a) shall be
22 authorized by the township board by passage of a resolution. The reso-
23 lution shall state that the township board has determined that the money,
24 property or proceeds from the sale of property are not required by the
25 township to meet its obligations.

26 (c) The transfer of moneys or property or the proceeds from the sale
27 of property as provided for in subsection (a) is hereby declared to be a
28 public purpose.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.
31